

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Delene Bromirski	Team: Team # 8	CCRB Case #: 200412592	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 12/18/2004 5:40 AM	Location of Incident: 119th Avenue and Nashville Boulevard	Precinct: 113	18 Mo. SOL 6/18/2006	EO SOL 6/18/2006	
Date/Time CV Reported Sat, 12/18/2004 8:37 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 12/18/2004 8:37 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Henry Etienne	04829	930112	113 PCT
2. POF Antoinette Sylvester	28990	927249	113 PCT
3. POM Joseph Matzinger	25686	927158	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Giovanni Giovanniello	08843	926880	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Antoinette Sylvester	Abuse: PO Antoinette Sylvester refused to provide her name and shield number to § 87(2)(b)	
B.POM Henry Etienne	Abuse: PO Henry Etienne refused to provide his name and shield number to § 87(2)(b)	
C.POF Antoinette Sylvester	Abuse: PO Antoinette Sylvester threatened to arrest § 87(2)(b)	
D.POM Joseph Matzinger	Force: PO Joseph Matzinger used physical force against § 87(2)(b)	

## Synopsis

§ 87(2)(b) filed this complaint with the CCRB on December 18, 2005. At approximately 4:30 a.m. that morning, § 87(2)(b) was involved in a car accident at the intersection of 119<sup>th</sup> Street and Nashville Boulevard. Three other parked cars were damaged at that location. PO Antoinette Sylvester and PO Henry Etienne responded. When they arrived, they saw § 87(2)(b) sitting in the driver's seat of a running vehicle that was badly damaged. § 87(2)(b) alleged that PO Sylvester and PO Etienne refused to provide her with their name and shield numbers (Allegation A and Allegation B respectively). Subsequently, PO Sylvester threatened to arrest her for speaking with the individuals whose cars were damaged (Allegation C). PO Sylvester and PO Etienne called for a tow truck and left before it arrived. PO Joseph Matzinger and PO Giovanni Giovaniello relieved them and waited for the tow truck. When it arrived, the driver, § 87(2)(b) informed PO Matzinger that § 87(2)(b) needed to exit the vehicle. § 87(2)(b) alleged that PO Matzinger used excessive force to remove her from her vehicle (Allegation D). § 87(2)(b) sustained a swollen lip from this interaction. § 87(2)(b)'s car was ultimately towed. PO Matzinger and PO Giovanni Giovaniello left scene, while § 87(2)(b) remained at the location.

§ 87(2)(g)

## Summary of Complaint

§ 87(2)(b)

On December 28, 2004, § 87(2)(b) was interviewed at the CCRB (enc. 7 A-H). Subsequently, § 87(2)(b) provided clarification of her statement via telephone on December 29, 2004, January 11, 2005, and January 21, 2005 (enc. 8 A, enc. 8 B, and enc. 8 C respectively). § 87(2)(g) is a § 87(2)(b) year-old African American female, 5'2" tall and 165 pounds, with black hair and brown eyes.

On December 18, 2004 sometime after 3 a.m., § 87(2)(b) was driving home alone from her sister's house in her uncle's 1995 gold Honda Accord. She was driving towards Springfield Boulevard for approximately 2 minutes when she stopped, double-parked, and exited her vehicle at 119<sup>th</sup> Street and Nashville Street to give directions to a vehicle driving behind her. She was approximately five minutes driving from her house. While § 87(2)(b) was outside of her vehicle a white car with a grate on it "bunny hopped" through traffic and hit the left side of her bumper, totaling her car. This car subsequently fled the scene. The only accessible part of § 87(2)(b)'s vehicle was the front passenger side. § 87(2)(b) further explained that the white car was driving behind a slow moving car and crossed over into oncoming traffic to pass the other vehicle, and while in the oncoming lane of traffic hit her car. The white car also damaged a black vehicle that was parked across the street from where § 87(2)(b)'s car was stopped. § 87(2)(b) did not take any photographs of her vehicle. The other car had scratches on it following the incident. § 87(2)(b) immediately began screaming for someone to call the police. The woman whose car was also hit exited her house with a video camera. This woman lives across the street from where § 87(2)(b) was stopped in a tan house. § 87(2)(b) denied that she had been drinking that evening.

Soon afterwards, two uniformed officers arrived in a marked patrol car. § 87(2)(b) described the passenger of the vehicle, PO1, as a dark skinned African American female, approximately 5'3" tall, with dark shoulder length hair that was pulled back in a ponytail. She described the driver, PO2, as an African American male. When the officers exited their vehicle, § 87(2)(b) tried to explain what just occurred. However, PO1 was "upset" and did not want to listen to § 87(2)(b)'s explanation and went to speak with the individuals whose cars were damaged. PO1 instructed § 87(2)(b) not to speak these people. PO1 then went to the police car. On the way to the police car, § 87(2)(b) began to argue with

PO1, § 87(2)(b) asked PO1 if she could file an accident report, PO1 stated that she did not have to give her an accident report and asked § 87(2)(b) for her driver's license and then walked got into the police car. § 87(2)(b) told the officer "you are suppose to be an officer and if my car was hit I have the right to make a complaint."

After 45 minutes, § 87(2)(b) approached PO1 who was sitting in the police car, and asked PO1 what she was doing with her license and asked for it back. PO1 told her to get away from the car. The officers refused to take down any information from § 87(2)(b). Afterwards, § 87(2)(b) verbally asked for PO1 and PO2's name and shield number (Allegation A and Allegation B respectively). Both officers refused to provide § 87(2)(b) with any information. The argument continued with PO1 when she covered her shield with a piece of clothing and told § 87(2)(b) if she wanted her shield number then she'd have to get it herself. § 87(2)(b) stated that they were cursing at each other during their arguments. § 87(2)(b) did not specify what was said of the circumstances in which the profanity was exchanged.

Eventually, PO1 returned § 87(2)(b)'s license. § 87(2)(b) did not receive a summons or any explanation about what was happening. After getting her license back, § 87(2)(b) went to speak with the woman with a video camera at her home. The woman came out of her home. PO1 exited the vehicle and approached § 87(2)(b) and the woman. PO1 told § 87(2)(b) not to speak with the woman and that is she did not comply she would be arrested (Allegation C). § 87(2)(b) asked her "why would you arrest me? I did not do anything wrong." PO1 briefly went back the police vehicle, then entered the home of the witness and closed the door. PO2 remained inside the police vehicle. § 87(2)(b) heard PO1 tell the woman outside of her home that "her car left the scene, she's giving us problems, her car is still here, so if you want to get your car to get fixed you know what you have to do." § 87(2)(b) denied that she caused the accident. At this point, a passerby told § 87(2)(b) that the 113<sup>th</sup> precinct causes problems and that she didn't do anything wrong. § 87(2)(b) did not get this woman's name because she was not allowed to talk anyone.

Before long another marked patrol car, number 1700, with two uniformed officers arrived. When they arrived, PO1 and PO2 left the scene. § 87(2)(b) described PO3 as a Caucasian male and muscular build. PO3's shield number was 4829. PO4 was described as a Caucasian male with the shield number 2899. § 87(2)(b) received the officer's shield numbers by reading them off their "name tags." The officers approached § 87(2)(b) and she began to tell the officers that PO1 and PO2 did not record any information regarding the accident. Then she went to sit in her vehicle. When the tow company arrived and § 87(2)(b) asked the driver to tow the vehicle to her house. PO3 told the tow truck driver to take the car to the 129-16 14<sup>th</sup> Avenue and have § 87(2)(b) pay to have the car released. PO3 approached § 87(2)(b) who was sitting in her car and instructed her verbally one time to get out of the car. § 87(2)(b) told him she did not have to do anything at which point he grabbed her shirt and pulled her out of the vehicle (the car door was open at the time) and hit her in the mouth with his hands (Allegation D). § 87(2)(b) stated that the officer did not remove his hands from her shirt when he hit her mouth, rather it was all part of the same action. Following the incident, § 87(2)(b)'s lip was swollen. She did not receive any medical attention for the injury. § 87(2)(b) stated that the tow truck driver was present when she was dragged out of her car. § 87(2)(b) was screaming, "you all see this, he hit me" loudly to anyone that was around. PO4 was nearby and watched the incident. § 87(2)(b) asked PO3 how she was going to home to which he replied, "I don't care." § 87(2)(b) paid a stranger, § 87(2)(b) to drive her home.

§ 87(2)(b) called the 113<sup>th</sup> Precinct on Monday, Tuesday, Wednesday, and Thursday following the incident, to check for an accident report. There was none on file at the precinct for the incident. On one of these occasions, § 87(2)(b) spoke with "Sgt. Dorsa" who provided § 87(2)(b) with the name of one of the officers at the scene, "Eteinne."

*Canvass*

Two canvasses were performed at the intersection of 119<sup>th</sup> Street and Nashville Boulevard on January 12, 2005 and March 15, 2005 (enc. 4 A-D and enc. 4 E-H respectively). This intersection is residential and allows for two-way traffic. It is not large enough to have 4 vehicles side by side. Based on the description of the location by the complainant, tow truck company, and officers as well as the results of the canvass it was determined that the accident occurred on 119<sup>th</sup> Street in front of 205-14 and 205-16 119<sup>th</sup> Street. During the canvasses letters were left on cars and in mailboxes and the undersigned investigator spoke with several residents.

## **Results of Investigation**

### ***Civilian Statements***

§ 87(2)(b) and § 87(2)(b)

On January 21, 2004, § 87(2)(b) § 87(2)(b) was interviewed via telephone (enc. 9 A). On December 18, 2004 at approximately 5:49 a.m., he sent a driver, § 87(2)(b) to a DOP (police request for a tow) at 119<sup>th</sup> Street and Nashville Boulevard. On January 25, 2005, § 87(2)(b) was interviewed via telephone (enc. 10 A).

Two police officers were at the incident location when § 87(2)(b) arrived. PO1 was described as a heavysset man, possibly with a beard. PO2 was described as a male, possibly African American. § 87(2)(b) was not certain of the officer descriptions, as he has responded to many calls since December 18, 2004. When § 87(2)(b) arrived, he saw a woman inside a car, which was in the middle of the road. The front of the woman's vehicle was so badly damaged that it was inoperable. In order for § 87(2)(b) to tow the vehicle, the woman had to exit the vehicle. PO1 asked the woman to please exit the car, which she refused to do. PO1 spoke with her for approximately 10 minutes trying to get her to exit the vehicle. § 87(2)(b) did not speak with the woman directly; however, she was cursing at him and the officers. § 87(2)(b) explained that the woman was very unreasonable, specifically she would not listen to the officers and it appeared that "she was out of it." He said he didn't think that she was drunk but something was definitely wrong with her. Finally, PO1 held the woman's elbow and assisted her out of her vehicle. As he did this, PO1 said, "come out of the car." Then the woman got down on the ground and began yelling into her cell phone, "they got me on the ground...they're beating me...they're beating me...help me!" § 87(2)(b) stated that the officers did not hurt her in any way. He thought that the police officers were both gentleman and not rude or violent in any way.

Later that day, the woman called § 87(2)(b) regarding her car. § 87(2)(b) described her through her manner of speaking as "a little off the wall" and "a little crazy in the head." During that conversation, the woman told § 87(2)(b) that she was dragged out of her vehicle by a police officer.

### ***Attempts to Identify and Locate Additional Witnesses***

Attempts were made to contact additional witnesses, including those individuals whose cars were damaged during this incident. Two canvasses were performed, three sets of letters were disseminated to houses on 119<sup>th</sup> Street, and queries of DMV were conducted. All efforts to identify and locate witnesses were unsuccessful.

### ***Officer Statements***

#### ***PO Antoinette Sylvester***

PO Antoinette Sylvester's initial statement regarding this incident was made in her memo book on December 18, 2005, "0430: (53) 118, Nashville 205 St. 0545: 93C, 93Q, 99T5, 97RMA" (enc. 11 A-C). In other words, at 0430 hours PO Sylvester and her partner responded to vehicle accident 118, Nashville, and 205<sup>th</sup> Street. At 0545 hours a tow truck was called, a report was prepared, and the driver refused medical attention. PO Sylvester was interviewed at the CCRB on February 10, 2005 (enc.12 A-D). PO Sylvester is a

§ 87(2)(b)-old African American female, 5'5" tall, 180 pounds, with black hair and brown eyes. On December 18, 2004 she was working with PO Henry Etienne in the 113<sup>th</sup> Precinct. Sgt. Leudesdorff was her supervisor. She was working in uniform and assigned to marked RMP number 1700.

On December 18, 2004 at approximately 4:30 a.m., PO Sylvester and PO Etienne were patrolling sector N. As they were travelling southbound on 118<sup>th</sup> Street, they saw a four-car accident, 3 cars were parked and 1 was in the middle of the road running with a female in the driver's seat. The front end of the running car was totaled and unable to be driven. Additionally, it was logged into the back end of a parked car. Also hit was the rear of two parked cars behind the one the female in the running car hit into. No one was outside when PO Sylvester and PO Etienne arrived at the scene and no car alarms were going off. PO Sylvester indicated that this street has two-way traffic.

The officers got out of the RMP and approached the car. PO Sylvester was the operator of the RMP and was the officer that initially spoke with this woman. The passenger and driver side airbags were deployed. PO Sylvester asked her if she was all right and noticed swelling on her lip and residue from the airbags. PO Sylvester asked if the woman wanted medical attention, to which she verbally replied "no." PO Sylvester saw no other visible injuries on the woman. PO Sylvester did notice that the woman's speech was slurred, she had watery/blood-shot eyes, and the smell of alcohol emanated from her person. Despite sitting behind the wheel of a running car, the female denied she was the driver of the vehicle and told PO Sylvester that the person who was driving left the scene. The woman did not indicate to PO Sylvester who this individual was or provide her with any contact information.

Despite this woman appearing drunk, the officers were not able to determine that this woman was the driver of the vehicle. In an effort to determine whether or not to arrest her, PO Sylvester asked her a number of questions. According to PO Sylvester, the woman was not able to communicate with her coherently. The woman was not always responsive to her questions. PO Sylvester indicated that if the woman was the operator of the vehicle then they could have arrested her for DWI. However, they could not determine that with certainty. While PO Sylvester was speaking with this woman, PO Etienne began knocking on the doors of neighbors searching for the owners of the vehicles also damaged in the accident.

Following the Patrol Guide Procedure 217-01 (enc. 1 A-F), PO Sylvester next began paperwork, including a 61 for the person who fled the scene and an accident report. PO Sylvester went back to the RMP to complete the paperwork. PO Sylvester could not recall if the woman ever provided any identification or if they ever established her identity. She stated that this woman came out of vehicle numerous times, spoke with the officers, as well as the individuals whose cars were also damaged. PO Sylvester stated that the woman barely was able to exit her vehicle and noticed her staggering when she was walking around. Despite her condition, PO Sylvester said that neither PO Etienne nor herself had assisted her out of her vehicle or made any physical contact with this woman.

As PO Sylvester was doing the paperwork, the woman came towards the RMP and asked for her name and shield. PO Sylvester could not remember if her partner was with her at this point. PO Sylvester provided her the information verbally. The woman had her phone in her hand and was doing something with it. PO Sylvester was not sure if she was on the telephone or logging her information into the telephone.

Soon afterwards, PO Sylvester exited the RMP and spoke with the individuals whose cars were damaged. She indicated that they were able to locate the owners of all three cars damaged. The owner of the vehicle that the woman's car was logged into exited her house and remained outside for a long time taking pictures with her digital camera. She told PO Sylvester that she was really upset because she recently purchased the car. At one point this woman stated that she knew the woman who caused the accident was drunk and stated that she reeked of alcohol and asked the officers if they were going to arrest her. The other owners (approximately 4) of the vehicles were outside as the officers collected information from them.

While at the location, the woman who was involved in the accident spoke with all of the owners of the vehicles. PO Sylvester said that the woman was free to speak with them and indicated that there are no

restrictions on speaking with other individuals involved in an accident. The woman told the woman with the digital camera that it was not her fault and the person who caused the accident left the scene. PO Sylvester stated that after they collected all the information they needed the owners of the vehicles went inside their homes. The woman who caused the accident went up to one of the doors and continually rang the doorbell. The owner told the woman that she did not want to speak with her. PO Sylvester then informed the woman who caused the accident that she could not continually ring the doorbell. PO Sylvester never threatened to arrest the woman.

PO Sylvester stated that the woman was abusive and was cursing at everyone. At no point did PO Sylvester or her partner respond to this woman with profanity. PO Sylvester stated that during her interaction with the woman she indicated that she was coming from Club Rose Hall. However, it is unclear at what point this information was revealed to PO Sylvester.

PO Sylvester and PO Etienne did not stay until the tow truck arrived, PO Joseph Matzinger and PO Giovanni Giovanniello relieved them. When they left the scene the woman was sitting in her car. At approximately 5:45 a.m., PO Matzinger and PO Giovanniello driving northbound arrived at the scene, PO Sylvester spoke with them briefly through their car windows and told them there was an accident, that the tow truck had been called, and the woman involved was sitting in her vehicle. PO Sylvester did not witness either PO Giovanniello or PO Matzinger exit their RMP or speak with the woman.

#### *PO Henry Etienne*

PO Henry Etienne made the following memo book statement regarding the incident, "0400: 53 118 34 205 St. 0530: 99T5 93Q 97RMA" (enc. 13 A-C). At 0400 hours PO Etienne and his partner responded to vehicle accident 11834 205<sup>th</sup> Street. At 0530 hours a tow truck was called, a report was prepared, and the driver refused medical attention. PO Etienne was interviewed at the CCRB on January 21, 2005 (enc. 14 A-B). PO Etienne is a § 87(2)(b)-old African American male, 6'2" tall and 190 pounds, with brown hair and brown eyes. PO Etienne's shield number is 4829. On December 18, 2004 he was working with PO Sylvester in the 113<sup>th</sup> Precinct. He was working in uniform and assigned to a marked RMP number 1700.

§ 87(2)(g)

PO Etienne stated that at 0400 hours a female approached him and PO Sylvester and informed them that her friend was in a terrible car accident two blocks away. The woman refused to return to the location and stated she had to go home. PO Etienne did not request her name. This woman did not provide any information as to how the accident occurred. PO Etienne stated that he did assist § 87(2)(b) out of her vehicle by extending his arm to assist her out of the vehicle. He also did not recall any officers at the location when they left. The condition of the woman, her vehicle, and the location were consistent with PO Sylvester's statement.

At no point did he or his partner enter any of the owners of the vehicle whose cars were damaged homes. While PO Etienne was gathering information from the owners of the vehicles the woman was on the sidewalk on her cellular telephone. PO Etienne stated that at no point did he or his partner forbid the woman to talk with anyone. PO Etienne does not recall any profanity used by any one present. PO Etienne denied that either he or PO Sylvester used any force against the woman. He did not recall whether his partner spoke with the woman. While PO Etienne was in the RMP, the woman approached and asked for his shield number. PO Etienne stated that he moved his coat and displayed her badge at which point she took a picture with her cellular telephone. PO Etienne does not recall if the woman asked for his partner's shield number as well.

#### *PO Joseph Matzinger and PO Giovanni Giovanniello*

Neither PO Joseph Matzinger nor PO Giovanni Giovanniello made any memo book entries regarding this incident (enc. 15 A-B and enc. 17 A-B respectively). On February 18, 2005, PO Matzinger and PO Giovanniello were interviewed at the CCRB (enc. 16 A-C and enc. 18 A-B respectively). On December 18, 2004, PO Matzinger and PO Giovanniello worked the midnight tour and were on sector

patrol. The officers were partners that evening and assigned marked RMP number 1221. PO Matzinger was the operator and PO Giovanniello was the recorder. § 87(2)(g)

On December 18, 2004 at approximately 5:40 a.m., PO Matzinger and PO Giovanniello relieved PO Etienne and PO Sylvester at the scene of an accident on 119<sup>th</sup> Street and Nashville Boulevard. When they arrived the officers told PO Matzinger and PO Giovanniello that they were waiting for a tow truck to arrive, the woman involved was intoxicated, and that they did not arrest her because they did not see her driving. The woman was sitting in her vehicle, which was in the middle of the street and crashed into another vehicle. Several other parked cars were damaged.

When PO Etienne and PO Sylvester left the scene, the woman exited her vehicle and approached their RMP. PO Matzinger could not recall to which window she approached. PO Matzinger stated that the woman tried her best to talk to them. However, she was leaning on car, smelled of alcohol, and incoherent. PO Matzinger and PO Giovanniello were unable to understand her and communicate with her in any substantive manner. At that point, they told her to sit in her vehicle and wait for the tow truck, as it was cold outside. PO Giovanniello reported no visible injuries and that she did not complain of any. The woman was incoherent and trying to take pictures of the officers with her cellular telephone. The woman did not offer an explanation of what happened and the officers did not ask.

As the officers sat in the RMP they noticed that the woman had exited her vehicle and began knocking on people's doors. PO Matzinger does not recall people exiting their homes or the exact number of times the woman exited her vehicle. PO Matzinger believed that they had asked her to return to her car over the loudspeaker.

When the tow truck arrived, the woman was in her vehicle (passenger side) on her cellular telephone. PO Matzinger estimated they waited 15 to 30 minutes for the tow truck to arrive. PO Matzinger and PO Giovanniello exited the RMP and approached the tow truck driver. The tow truck driver told the officers that he needed the woman out of her vehicle to attach the car to the tow. PO Matzinger asked the woman to please get out of the vehicle. She refused and explained that she could not get out and that it was cold outside. PO Matzinger offered to help her and grabbed under her arm to assist her out of the vehicle. PO Matzinger could not recall if when he initially approached the woman if the door was open, or if he opened the door. As soon as he touched her she started to scream, "help he's assaulting me...he's killing me..." At that point, PO Matzinger backed away. He could not recall if she was half way out of the car or already out when she started screaming the above allegations. During this incident, the tow truck driver was in front of car witnessing their interaction and PO Giovanniello was behind him.

Once out of the vehicle the woman began to touch him and his partner. She was trying to get their names and shield numbers. PO Matzinger verbally spelled both his name and PO Giovanniello's names. However, almost every time he would say a letter she would repeat a different one into the telephone. Finally, PO Matzinger took the woman's cellular telephone and provided his and PO Giovanniello's names and shield numbers to the individual on the telephone. He could not remember if it was a female or male individual. After PO Matzinger returned the woman's telephone, he had no further contact with her.

PO Matzinger and PO Giovanniello left at the same time as the tow truck. The woman remained at the location. PO Matzinger stated that he tried to have as little interaction as possible with the woman. PO Giovanniello had no physical contact with the woman. PO Matzinger could not remember if PO Giovanniello spoke with her when got out of the RMP. PO Matzinger stated that his hands never hit her mouth and that the only time he touched her was when he placed hands under arm to assist her out of the vehicle. PO Giovanniello did not witness any use of force by PO Matzinger against the woman.

The roll call confirmed that PO Etienne, PO Sylvester, PO Matzinger, and PO Giovanniello worked tour 3 on December 18, 2005 (enc. 20 A-B). The sprint and motor vehicle accident report were also obtained (enc. 19 A-J).

### ***Conviction History***

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### ***Officer CCRB History***

None of the officers interviewed in connection with this complaint have any prior substantiated CCRB allegations.

## **Conclusions and Recommendations**

### ***Officer Identification***

§ 87(2)(b) provided two shield numbers in her complaint, “4829” and “2899.” The first belongs to PO Etienne and the latter to PO Sylvester. While she did not have accurate descriptions of these officers the motor vehicle accident report indicated that PO Sylvester prepared the report. The vehicle number provided by § 87(2)(b) 1700, was assigned to PO Etienne and PO Sylvester. Furthermore, PO Etienne and PO Sylvester’s memo books and CCRB statements confirmed their involvement in the incident. PO Matzinger and PO Giovanniello were identified via officer statements and the sprint. They also confirmed their involvement in the incident during their CCRB interviews.

### ***Undisputed Facts***

On December 18, 2004 at approximately 4:30 a.m., PO Sylvester and PO Etienne arrived at the intersection of 119<sup>th</sup> Street and Nashville Boulevard and saw a badly damaged car in the middle of the street. § 87(2)(b) was sitting in the driver’s seat. Also damaged were 3 parked cars on 119<sup>th</sup> Street. PO Etienne and PO Sylvester called for a tow truck and left before it arrived. PO Matzinger and PO Giovanniello relieved the officers and waited for the tow truck. When it arrived, the driver informed PO Matzinger that he needed to have § 87(2)(b) exit the vehicle. PO Matzinger assisted § 87(2)(b) out of the vehicle. Her car was towed. PO Matzinger and PO Giovanniello left and § 87(2)(b) remained at the location.

### ***Disputed Facts***

§ 87(2)(g)

### ***Credibility***

#### ***Civilians***

§ 87(2)(g)



§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

### *Officers*

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

### *Determination of Fact*

On December 18, 2005, § 87(2)(b) was impaired and driving home. § 87(2)(b) was involved in a car accident at the intersection of 119<sup>th</sup> Street and Nashville Avenue. Several parked cars were damaged. PO Sylvester and PO Etienne responded to the location. PO Sylvester and PO Etienne approached § 87(2)(b) who was sitting inside a running vehicle. The officers observed that § 87(2)(b)'s lip was swollen. § 87(2)(b) refused medical attention and denied she had caused the accident. The owners of the other vehicles were notified and PO Sylvester prepared an accident report. § 87(2)(b) received PO Sylvester and Etienne's name and shield number and also took a photograph of them with her cellular telephone. § 87(2)(b) alleged that PO Sylvester was cursing at her; however, she was unable articulate details regarding what was said. § 87(2)(g) PO Sylvester and PO Etienne called for a tow truck and went to meal before it arrived.

PO Matzinger and PO Giovanniello relieved PO Sylvester and PO Etienne. PO Matzinger and PO Giovanniello both came to the same conclusion regarding § 87(2)(b)'s physical state. When the tow truck arrived, the driver informed PO Matzinger that § 87(2)(b) needed to exit her vehicle. § 87(2)(g)  
[REDACTED]  
[REDACTED] PO Matzinger and PO Giovanniello left the location with the tow truck. § 87(2)(b) remained at the location.

***Allegation A: PO Antoinette Sylvester refused to provide her name and shield number to § 87(2)(b)***  
[REDACTED]

***Allegation B: PO Henry Etienne refused to provide his name and shield number to § 87(2)(b)***

According to Patrol Guide Procedure 203-09 (enc. 1 I), an uniformed member of service must “give name and shield number to anyone requesting them.” § 87(2)(b) alleged that PO Sylvester and PO Etienne refused to provide her with their names and shield numbers. However, § 87(2)(b) provided two shield numbers in her complaint, “4829” and “2899.” The first belongs to PO Etienne and the latter to PO Sylvester. § 87(2)(b) stated that she had read them off the officer’s names off their lapels. Based on officer statements, § 87(2)(b) had also taken photographs with her cellular telephone of their shield numbers. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

***Allegation C: PO Antoinette Sylvester threatened to arrest § 87(2)(b)***

§ 87(2)(b) alleged that PO Sylvester threatened to arrest her for speaking with other individuals at the location. PO Sylvester stated that there are no restrictions regarding who people can speak with in following an accident. § 87(2)(g)

§ 87(2)(g)

***Allegation D: PO Joseph Matzinger used physical force against § 87(2)(b)***

§ 87(2)(b) alleged that PO Matzinger grabbed her shirt and pulled her out of the vehicle and hit her in the mouth with his hands. Based on officer testimony, § 87(2)(b) was injured on her mouth prior to any officers responding. PO Matzinger assisted § 87(2)(b) out of her vehicle so that it could be towed. Specifically, he grabbed under her arm to assist her out of the vehicle. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: